

Application No. 10/022,668
Docket No. 2001U013.US
Reply to Office Action Dated March 09, 2004

Remarks

Restriction

Claims 1-17 were elected with traverse. Claims 18-31 are cancelled without traverse.

Claim Objections

Claim 10 was objected to as dependent upon a rejected claim, but deemed allowable if rewritten in independent form to include the limitations of the base claim and intervening claims. Hence, Claim 10 is cancelled and incorporated into Claim 1 as presently amended.

Claims 5, 9, and 11-12 and 15-17 were also similarly objected to.

Section 112, ¶ 2 Rejections

Claims 1, 2 and 4 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. The Applicant traverses these rejections.

Claim 1 is amended to clarify the nature of the "R" group by deleting the phrase "that has relatively low steric hindrance with respect to the X substituent and is a" and "or" and adding the phrase —selected from— and —and— as indicated.

Further, Claim 1 is amended to further clarify the nature of "R'" by deleting the phrase "with respect to Y and is" and the parenthetical phrase "heterocyclic (both heteroalkyl and heteroaryl)", and the term "and" and adding the phrase —and heteroatom containing groups thereof; wherein there is branching within three atoms of Y and wherein R' comprises from 3 to 50 non-hydrogen atoms—.

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Claim 1 was further rejected because of the further limitation in Claim 2. The Applicant contends that there is no lack of clarity here, as Claim 2 merely states that "at least one of the bridging atoms of T is a carbon". In fact, "T" is not defined as the Examiner states on page 3 of the Office Action dated March 9, 2004.

Claim 4 was rejected. Applicant wishes to point out that the phrase "wherein X and Y are provided for convenience and are not part of the bridging group" previously existed in that claim to clarify the nature of the "X" and "Y" groups.

Withdrawal of these rejections is requested.

Section 102 Rejections

Claims 1-3, 6-8 and 13-14 were rejected under 35 U.S.C. § 102(a) as being anticipated by *McLain* (US 6,258,908). The Applicant traverses, as the Applicant further defines one embodiment of the invention by deleting the phrase "1 to 15" modifying the term "Groups" and replaces it with the range of —3 to 7 atoms— to better define the metal atom "M". The incorporation of Claim 10 into Claim 1 is also effectuated. Thus, the Applicant requests the withdrawal of this rejection.

Other claim amendments

Claim 5 is amended to delete the term "an" which was a typographical error.

Claim 7 is amended to correct the spelling of "composition".

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It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

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Date

Respectfully submitted,

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